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USAID/MACEDONIA JUDICIAL STRENGTHENING PROJECT

QUARTERLY REPORT: JANUARY – MARCH 2014



April 23, 2014

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The authors' views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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LIST OF ACRONYMS

AC	Administrative Court
AO	Administrative Office of the Court Budget Council
ACCMIS	Automated Court Case Management and Information System
ABMS	Automated Budget Management System
BAR	Bar Association of the Republic of Macedonia
BC	Basic Court
CAA	Court Administration Association
CBC	Court Budget Council
CIRa	Center for Institutional Development (Macedonia)
COP	Chief of Party
COR	Contracting Officer's Representative
CSC	Court Service Council
CSO	Civil Society Organization
DCOP	Deputy Chief of Party
ECR	Electronic Court Recording
ELSA	European Law Students' Association
ESE	Association for Emancipation, Solidarity and Equality of Women
EU	European Union
GOM	Government of Macedonia
HO	Home Office
ICT	Information and Communication Technology
IDEAS	Investment Development and Export Advancement Support
JBF	Judicial Branch Forum
JC	Judicial Council of the Republic of Macedonia
JSP	Judicial Strengthening Project
JTA	Academy for Judges and Public Prosecutors (also known as Judicial Training Academy or the Academy)
LCP	Law on Civil Procedure
LCS	Law on Court Service
LPA	Legal Professional Association
MJA	Macedonian Judges Association
MLA	Macedonian Lawyers' Association
MYLA	Macedonian Young Lawyers Association
PAR	Performance Assessment Report
PMP	Performance-Management Plan
PPA	Public Prosecutors Association
RFQ	Request for Quotation
SC	Supreme Court of the Republic of Macedonia
STA	Senior Technical Advisor
Tt DPK	Tetra Tech DPK
USAID	United States Agency for International Development
USG	United States Government

I. INTRODUCTION

The United States Agency for International Development (USAID)/Macedonia Judicial Strengthening Project (JSP) is an ambitious four-year endeavor that started in November 2011. The overarching objective of the project is to help the Macedonian judiciary to evolve as an independent, self-governing, effective, and accountable branch of government capable of meeting the needs of citizens, businesses, and organizations for prompt and impartial protection of their rights and adjudication of their legal disputes.

This quarterly report for January through March 2014 focuses on the progress and implementation of programmatic activities and tasks aimed at delivering the results required under the Tetra Tech DPK (Tt DPK) contract with USAID. A brief description of the objectives, areas of work, project activities, and expected results follow.

I.1 OBJECTIVES

The overarching objectives of the project are to strengthen the role of the judiciary in the separation of powers and to develop broad-based support for rule of law and judicial-sector reform. More specifically, the project focuses on supporting the development of professional associations in the justice sector, developing effective court governance systems and practices, and improving the efficiency and quality of justice.

I.2 AREAS OF WORK

The project's main components are outlined below.

I.2.1 Advocacy and Citizen Participation in Judicial Sector Reforms

The JSP supports the development of the capacities of professional associations in the justice sector to play a leadership role in efforts to reform the justice system and to advocate for the interest of their members, and increases public awareness and participation in justice-sector reforms and rule-of-law issues.

I.2.2 Independent, Efficient, and Consistent Application of Judicial-Sector Policies and Practices

The JSP develops effective court governance systems and practices, increases the role of the judiciary in preparing laws and policies governing the branch, establishes regular coordination and consensus-building on key issues among judicial institutions, promotes more effective and accountable operation of judicial-sector institutions and courts, improves court operations through innovation and technology, and designs and applies performance standards.

I.2.3 Effective Legal Personnel and Efficient Processes

The JSP improves efficiency and quality of justice by providing specialized trainings to judges, by developing and applying national time standards for case processing, and by building the capacities of court personnel to provide efficient services to court users.

I.3 PROJECT ACTIVITIES

The project provides technical and managerial experience to key counterparts in the judiciary, legal professional associations (LPAs), and civil society organizations (CSOs) active in the judicial sector.

The range of support includes a combination of targeted long-term technical assistance, advisory services, project initiatives, and other forms of assistance identified as necessary for each of the results prescribed. Key activities and tasks include the following:

- Identifying and supporting key civil society and professional associations in their efforts to promote civil society support for the rule of law and an independent judiciary
- Building capacity of designated LPAs
- Assist designated LPAs and CSOs in supporting laws, policies, and practices that support judicial independence
- Identifying gaps and/or idiosyncrasies in policies and practices of judicial administration and management and support reform
- Building leadership and management capacities
- Supporting the development of needs-based budgets for the courts
- Supporting education for various sectors of the judicial sector, including president judges, court administrators, and court staff to enhance efficiency and timeliness

I.4 PROJECT RESULTS FRAMEWORK

The USAID/Macedonia JSP employs a results-driven approach to its planning and programming.

I.4.1 JSP Results Areas

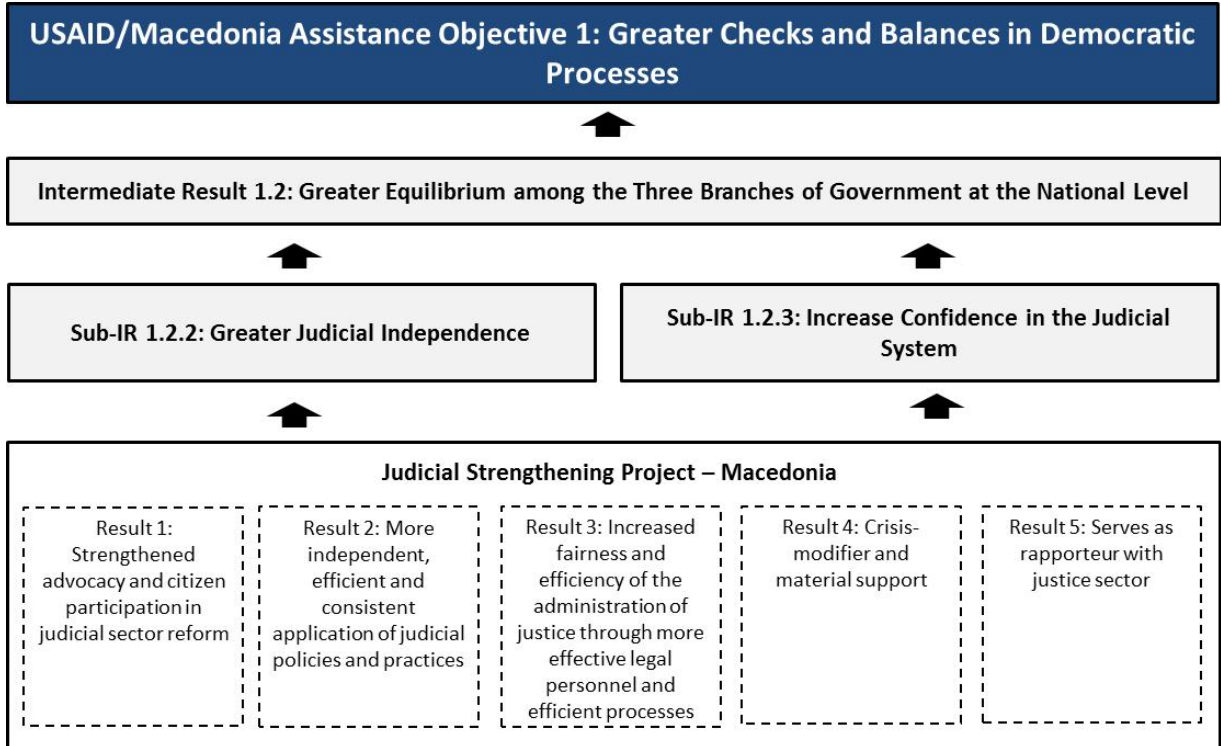
In Year II, the project has continued to focus on five key results:

- Result 1: Strengthened advocacy and citizen participation in judicial sector reform
- Result 2: More independent, efficient, and consistent application of judicial policies and practices
- Result 3: Increased fairness and efficiency of the administration of justice through more effective legal personnel and efficient processes
- Result 4: Crisis-modifier and material support
- Result 5: Serving as *rapporteur* with justice sector

These five results areas contribute to the USAID Foreign Assistance Framework for Macedonia.

I.4.2 USAID Results Framework

The JSP supports the USAID/Macedonia Assistance Objective I: Greater Checks and Balances in Democratic Processes. Under this Assistance Objective, the project supports Intermediate Result (IR) I.2: Greater Equilibrium among the Three Branches of Government at the National Level. Specifically, JSP works toward Sub-IR 1.2.2: Greater Judicial Independence, and Sub-IR 1.2.3: Increased Confidence in the Judicial System. The chart below illustrates the conceptual linkages between the JSP and the USAID/Macedonia Framework.



II. PROGRAM-RELATED ACTIVITIES AND TASKS

2.1 RESULT 1: STRENGTHENED ADVOCACY AND CITIZEN PARTICIPATION IN JUDICIAL SECTOR REFORM

2.1.1 Requirement 1.1: A Short, Focused Assessment, Baseline Survey, and Resulting Action Plan on Justice Sector LPAs and CSOs, and the Role they can play in Strengthening the Rule of Law in Macedonia

The JSP completed a short, focused initial assessment of the needs of 11 LPAs and CSOs using a subcontractor, the Macedonian Center for Institutional Development (CIRa). Based on the assessment, JSP selected three organizations for Phase II of the assessment: the Macedonian Judges Association (MJA), the Macedonian Young Lawyers Association (MYLA), and the Court Administration Association (CAA).

In Phase II, CIRa assessed the performance of the three organizations to identify performance gaps and, in Phase III, provided customized training and technical assistance packages to each organization. Training activities under Phase III began in October 2012 and were completed in October 2013. The sections below outline the follow up activities and events carried out during this reporting period.

2.1.2 Requirement 1.2: Per the Findings of Requirement 1.1, the Capacity of at Least Two Judicial Sector Professional Associations are Improved

Phase III activities included a series of training workshops—implemented by JSP subcontractor Mesacons/Embra—focused on enhancing the capacity of each organization. On July 22, 2013, JSP signed a modification agreement with Mesacons/Embra to bring additional LPAs in on the trainings after the MJA withdrew from the training program. The project supported a total of 31 trainings and workshops between October 31, 2012 and October 25, 2013¹. Many of these trainings were conducted jointly to reach several organizations simultaneously.

The training program was completed in October 2013 and certificates were presented to all participants in December. The final report was submitted to USAID on January 10, 2014. Following the recommendations of the report, the project has continued to assist the LPAs in building their capacities, which has produced concrete results: the organizations have applied for grants, proposed changes to laws, conducted outreach activities to increase their membership, and issued newsletters and brochures to enhance transparency. The following sections describe the project's support to LPAs in more detail. In the upcoming period, JSP will continue to support the implementation of the skills and knowledge acquired by the different LPAs during the capacity building program.

¹ The final training took place on October 24 and 25, 2013.

2.1.3 Other Support for LPAs and CSOs

Macedonian Young Lawyers Association (MYLA)

As a follow up to the assistance the JSP provided to successfully organize the MYLA National Conference held in December 2013, the project continued to support efforts to analyze challenges, problems, and perspectives of the legal profession in Macedonia. On March 17, 2014, MYLA sent a first draft of the analysis to the JSP, along with the post-discussion conclusions reached at the Conference. JSP reviewed the draft analysis and submitted comments to MYLA. The final version of the analysis will be distributed in April 2014 and will serve as a starting point for a wider debate on the issues facing the legal profession, education, and the overall reform process in this area. The project's next quarterly report will include a summary of the analysis' main conclusions.

On February 14, MYLA completed a successful one-day strategic litigation training session for members of the European Law Students Association (ELSA). With support from JSP, MYLA is developing an additional training program on Project Cycle Management scheduled for April 11 (described in greater detail in the ELSA paragraph below).

Court Administration Association (CAA)

The project continued to support the Court Administration Association (CAA)'s daily activities with the provision of an intern. The new internship agreement spans from January 15 – November 14, 2014 and requires that the intern supports the CAA through tasks such as the preparation of sessions, the maintenance of regular communications with CAA members, the management of logistical support for the implementation of trainings for CAA members, and other administrative and technical tasks.

On February 11-12, the CAA, with JSP support, organized a roundtable discussion focused on amending ambiguous or difficult to implement² sections of the Law on Court Service (LCS). The roundtable was organized after the MOJ³ announced that it had prepared amendments to the law and intended to send them to Parliament for urgent approval. The MOJ sent amendments to Parliament in late February and a new LCS was passed on March 3. The new Law was not positively accepted by CAA membership who considered the proposed amendments to be a reflection of the previously approved Law on Civil Servants and lacking in understanding of the differences and specific characteristics of the court administration system.

The work of the CAA is now focused on proposing changes to the recently adopted new LCS. During the roundtable, the 21-member CAA working group prepared proposed changes and amendments to the LCS that addressed the status of court employees, including grades and titles, hiring and selection, evaluation, promotion, and disciplinary responsibility. These changes were presented by the CAA President at the fifth Judicial Branch Forum (JBF) held in Strumica on February 20-21. The CAA's amendment recommendations were supported by the participants and it was concluded that the amendments should be submitted to the MOJ for consideration.

² The CAA has been successful in proposing changes and amendments to the LCS. In 2010, with the support of the USAID Judicial Reform Implementation Project (JRIP), the CAA prepared extensive changes to the LCS and submitted them to the MOJ. Most of the proposed changes were accepted and passed by Parliament in November 2010.

³ The MOJ is the regulatory body responsible for the development of laws and regulations that organize the courts.

The next roundtable discussion for finalizing the amendments to the LCS is scheduled for April 28-29. Before submitting the finalized changes to the MOJ they will first be presented at the CAA's Fifth Annual Assembly to be held in May 2014.

The project also continued supporting the efforts of the CAA and other interested LPAs in the development of a broad-based coalition to assist the rule of law and an independent judiciary. The development of this coalition is described in more detail in Section 2.1.4.

European Law Students Association (ELSA)

ELSA Website. The technical specifications for the new ELSA website were finalized in December 2013, and a Request for Proposals was published on March 5, 2014 ahead of the March 19 deadline. Three proposals were received by the closing date and are currently being evaluated. An award is expected by mid-April. The configuration of the webpage consists of two sections. The first is designed for public use and will contain general information, activities, and contact information. The second is designed for access by approved members only. Overall, the new set-up will provide an array of information for the public and include links and helpful tools for members.

Juvenile Justice Brochure. On January 27, 2014, two ELSA members, a public prosecutor, and a judge working in the juvenile justice court distributed the ELSA Brochure, *Prevention Instead of Punishment – Juvenile Justice System*, to the 11 Oktomvri Social Care Institution in Skopje. The presentation was attended by social workers, as well as 15 protégés⁴ of the institution. The brochure, prepared and printed with JSP support, was particularly well received by the social workers because of the material's focus on not only on the rights of minors but also on their expected conduct as citizens in society.

On February 25, 2014, two ELSA members, Martina Martinova and Natali Bojkovikj, also presented the brochure at the juvenile detention center in Veles. The presentation was attended by 23 high school students from the Jovce Teslickov High School in Veles, six protégés from the 11 Oktomvri Orphanage, and 28 detainees from the detention center. Ms. Martinova and Bojkovikj were assisted by the Court Administrator of the BC Veles and four judges working in the juvenile justice area—one from Skopje and three from the Basic Court (BC) Veles. The presentation was followed by a reception where the visitors had the opportunity to converse with the detained juveniles and learn more about the juvenile justice system.

ELSA Membership. With the support of JSP, ELSA drafted a new flyer aimed at promoting awareness of ELSA and attracting new members to their organization. The final version was printed on February 25 and is being distributed to law students at various venues and locations. For example, ELSA students will distribute these brochures to the students at the Law School in Shtip on April 17.

Trainings and Mutual Cooperation. On February 14, MYLA held a one-day strategic litigation training workshop for ELSA members. Current and past members of MYLA, including practicing attorneys working in the area of human rights and strategic litigation, participated in the presentation. In attendance were 24 law students who provided generally positive reviews of the workshop. The training was supported by JSP and was designed to foster a stronger relationship between the two organizations.

⁴ The term 'protégé' is used because the 11 Oktomvri Social Care Institution houses orphans, as well as children lacking parental care.

These cooperative efforts will continue with a focus on various other topics. A new training program on project cycle management, one of MYLA's key areas of expertise, will be held in mid-April. The agenda has already been prepared and invitations have been sent out via the ELSA mailing list and Facebook page.

Planned Activities. On February 18, JSP organized and facilitated a meeting between ELSA and the Commission for Free Access to Public Information. At the meeting, attended by the President of the Commission and several members, the Commission agreed to help prepare the next ELSA brochure on free access to information. A contact person was assigned to field questions and offer assistance during all stages of the brochure's preparation. The text for the brochure was finalized in March 2014, reviewed by JSP and sent for review and comments to the Commission. The brochure is expected to be printed in April 2014.

Public Prosecutors Association (PPA)

The JSP-supported PPA brochure was distributed to public prosecutors in mid-February. The brochure outlines a brief history of the organization, its mission and vision statements, organizational structure and current and past projects, as well as the different publications and educational activities undertaken by the PPA. Members provided positive feedback on the design and layout. Five hundred bilingual copies of the brochure (Macedonia and English) were printed with the intent of increasing PPA outreach and promotional efforts to potential partners in Macedonia and abroad.

Macedonian BAR Association

The BAR Association's website, which JSP pledged to support, is in the final phase of preparation. An RFP was issued on March 12 with a March 25 deadline. Four proposals were received, and are currently being reviewed by the JSP team. The project expects to select a vendor by mid-April and have the website fully developed by late May.

JSP is currently planning a round of trainings for members of the Macedonian BAR Association on electronic court recording (ECR) in May 2014. The goal of the training is to promote and increase the use of ECR in Macedonia by explaining the benefits it can offer to court proceedings.

Support the Work of Domestic Violence NGOs

During the reporting period, the JSP and the Association for Emancipation, Solidarity and Equality of Women (ESE) reached an agreement to prepare a new bench book on domestic violence for judges working in the criminal and civil sectors. A working group has been created, which includes five basic court judges and two public prosecutors. Short term technical expert US Judge Michael Kavanagh has been brought onto the project to help define the necessary steps and outlining a schedule for the preparation the book. Judge Kavanagh will be in Macedonia during the period May 11-22 to assist the working group in the production of the bench book. The JSP is planning a small media campaign to raise awareness on domestic violence in the second half of this year.

2.1.4 Building a Broad-Based Rule of Law Coalition of LPAs

The idea of forming Rule of Law (ROL) Coalition in Macedonia was first conceived after the first study tour to Sweden and Estonia (April 8-18, 2013) for seven members of All for Fair Trials (AFFT), MYLA, CAA, and ELSA. The Coalition was modeled after the Network of Estonian Nonprofit Organizations (NENO), a broad-based organization of NGOs from different sectors.

The project has engaged US Small Business “The Kaizen Company” (Kaizen) to provide technical assistance in the creation of the ROL Coalition. In December 2013, Kaizen conducted a first trip to Macedonia to survey and assesses the conditions of potential coalition members MYLA, All for Fair Trials Coalition, MYLA, Macedonian Lawyers Association (MLA), CAA, and ELSA. Following the trip, MYLA, ELSA, and CAA emerged as the founding members of the coalition⁵.

During the reporting period, the project held meetings and workshops with the MYLA, ELSA, and CAA to lay the ground for a second visit from Kaizen, scheduled for March 2014, to support the actual building of the coalition. As a result, it was agreed that the visit would focus on a one day workshop to determine the priorities of the ROL Coalition and a two day retreat to prepare the coalition’s action plan. Prior to Kaizen’s visit, the coalition developed the following ROL Coalition documents: the Code of Ethics, Memorandum of Understanding, and the Article of Association.

Kaizen’s consultants Amy Watve and Andrew Kaiser deployed to Macedonia during the period March 3-14. An initial workshop was held on March 7 to establish the ROL Coalition goals and main topics of action. The coalition’s 2014 – 2015 strategic plan was finalized during March 12-13. It was also determined that effective June 2014 MYLA will take the reins of the coalition as the presiding organization.

Kaizen’s final report, including recommendations for future coalition activities and subsequent JSP support, will be submitted to USAID in April. At a minimum, the project expects to continue hosting ROL Coalition coordination meetings until June 2014.

2.2 RESULT 2: MORE INDEPENDENT, EFFICIENT, AND CONSISTENT APPLICATION OF JUDICIAL POLICIES AND PRACTICES

2.2.1 Requirement 2.1: Legal Framework and Judicial Branch Policies Strengthen Independence, Effectiveness, and Accountability of the Judicial System

Review and Advocacy of Laws by the Judiciary

Judicial Branch Forum (JBF) Follow-up. The JBF provides an opportunity for leaders of the judicial branch institutions and associations to discuss the progress, current status, and next steps in the implementation of judicial reforms in Macedonia. These topics are important to the ultimate achievement of reform goals: establishment of the judiciary as a fully independent, effective and self-governed branch of government capable of upholding the rule of law and providing timely and quality services to all citizens of the Republic of Macedonia. During the second year of the project, four JBF meetings were organized: November 6, 2012; March 15, 2013; June 19-20, 2013; and October 17-18, 2013.

The fifth JBF meeting took place on February 20-21 in Strumica with nine JBF members in attendance.

The agenda topics included:

- I. Implementation of the Law on Civil Procedure (LCP) provisions pertaining to the use of ECR and electronic delivery

⁵ All for Fair Trials has become dormant, largely due to difficulties in the transition of leadership. The MLA has backed away from activities regarding the development of a broad-based coalition. It is not clear why it has taken this action.

2. Promoting regular and active participation in trainings, increasing training attendance, and improving the quality of trainings through post-training evaluation
3. Analysis of the Administrative Court's (AC) case workload and development of an action plan to decrease backlog
4. Implementation of the GRECO⁶ recommendations regarding judicial ethics
5. Changes and amendments to the LCS
6. Implementation of the Law on Case Management regarding publishing of court decisions on the courts' websites
7. Continuing the court services users surveys on the quality and independence in the resolution of cases by obtaining objective findings about the users' perception of the judiciary

The following are the main conclusions reached by the participants:

1. To improve the quality of training programs organized by the Academy for Judges and Public Prosecutors (Academy), a training-of-trainers program should be regularly organized, and written materials for each training program should be prepared and disseminated to the participants before their training. The trainers should also be given sufficient time to prepare quality training sessions.
2. The appellate courts and the Supreme Court of the Republic of Macedonia (SC) should take a more active role in the selection of the topics for the continuous education of the judges program at the Academy. Topics should be based on issues from jurisprudence that the BCs have come across in the course of their work.
3. The Managing Board of the Academy should explore the possibility for adopting a methodology for evaluating the impact of the trainings. This may include the completion of a survey by the judges after each training program.
4. A systematic training on the key provisions of the LCP by appellate region is imperative and should begin in June 2014. Topics suggested included provisions of the LCP and the Law on Enforcement that pertain to the jurisdiction of the notaries and private enforcement agents, burden of proof, etc.
5. The draft version of the Judges' Code of Ethics (Code) is a sound base for discussion with the MJA. After review and feedback from the MJA, the Code should be adopted by the MJA Assembly by June 15.
6. A working group should be created to draft changes and amendments to the provisions of the Law on Case-Flow Management regarding posting decisions on courts' websites. The system is overwhelmed with too many old decisions and the capacities of the IT system are limited.
7. A joint JSP – MYLA project should be implemented for assessing the quality of court services and the independence in the resolution of cases from the perspective of the users of court services.
8. The JSP will provide technical assistance to the AC by conducting a short and focused analysis on the current state of affairs and prepare recommendations for improving efficiency in this court.

Implementation of the Forum's conclusions:

In March, JSP began preparations for implementing systematic training on the key provisions of the LCP. A planning meeting is scheduled for April 4 with the President of the JC, President of the SC, president judges of all appellate courts, the Director of the Academy, and the President of the MJA. Expected outcomes of the meeting will be a list of training topics and respective trainers. Training programs are

⁶ Groupe d'Etats Contre La Corruption / Group of States against Corruption.

scheduled to take place in June, September, and October. JSP will print the training materials and make them accessible to all civil judges in Macedonia.

In March, a draft of the Judges Code of Ethics was circulated through MJA branch offices for review and feedback. The Code is expected to be adopted at the next MJA Annual Assembly.

JSP organized a study visit for representatives of the Macedonia judiciary to the Supreme Court of Slovenia on March 23-25 to support the creation of functional, user-friendly, and unified court websites, with working search engines. The goal of the visit was to familiarize the participants with the host country's systems for publishing court decisions and creating a database of courts' jurisprudence. Details regarding the visit may be found below in the section *Study Visit to the Supreme Court of Slovenia*.

The project began negotiations with local consulting firm BASME for the implementation of a focused analysis of the operations and performance of the AC and provision of recommendations for improving efficiency. The purpose and implementation of the analysis is described in more detail in Section 2.3.2.

The sixth JBF is planned for late June 2014.

2.2.2 Requirement 2.2: Administration and Management Rules, Policies and Procedures, Systems and Practices to Support a Modern Court System

Workshop for the Court Service Council (CSC)

The workshop for current and former members of the CSC on “*Successful Transitioning, Transfer of Institutional Memory and Building Plan for Future Activities*” was held on January 16-17, 2014 in Ohrid. The event marked the five-year anniversary of the CSC. The primary goal of the workshop was to train the new CSC members (from the BCs Prilep, Skopje 1, Skopje 2, and Strumica) on how to successfully perform the roles and responsibilities provided for in the LCS and relevant sub-regulations. In attendance were 11 members of the CSC and one administrative and technical support staff.

Participants discussed decision-making issues faced by the CSC in hiring, dismissal, and disciplinary procedures of court employees and also the need for amending the LCS. The participants concluded that two to three sessions were necessary to propose changes related to the procedures and organizational setting of the CSC, as well as amendments encompassing broader aspects court administration. The first session for proposing amendments to the LCS was held on February 11-12, as described in detail in the section *Court Administration Association (CAA)*. The second session is scheduled for April 28-29.

CAA President, Mr. Borce Mirceski, led a discussion on the Sixth International Conference of the International Court Administration Association organized in Dubai. The JSP supported Mr. Mirceski's participation at this conference on December 9-10, 2013.

Strategic Plan for the Judiciary

In November 2013, JSP engaged local subcontractor CIRa to help in the development of the Judiciary's Strategic Plan for 2014-2016. The initiative was implemented in three phases:

1. Assessment of the implementation of the Judiciary's Strategic Plan from 2010-2012
2. A series of workshops to develop a new 2014-2016 Strategic Plan
3. Presentation and review of the new strategic plan with designated judicial system actors

CIRa carried out initial interviews and a first workshop in December 2013 to assess the implementation of the 2010-2012 Strategic Plan and initiate the development of the 2014-2016 plan.

During this quarter, CIRa conducted two workshops to finalize the 2014-2016 Strategic Plan. These workshops were attended by two judge-members of the JC, three staff of the JC, one court administrator, and one representative from the Academy. The draft Strategic Plan was presented to key judicial representatives at a fourth and final workshop on March 3 at the JC premises. A meeting will be held in early April to complete the Judiciary's Strategic Plan budget.

Support Administrative Office of the Court Budget Council (AO)

Following JSP's recommendation, the AO was selected to receive support by the USAID/Organizational Performance Improvement Project, implemented by DETRA Center. A memorandum of cooperation between JC/AO and USAID/DETRA was signed on November 18, 2013 at the US Embassy. The AO will receive a series of trainings on how to properly conduct centralized procurement for the judiciary.

An initial assessment of AO's capacity to conduct procurement was organized on March 27-29 in Ohrid and was attended by the JSP COP. The President of the JC listened to a group of 15 court representatives who presented the current state of affairs in the courts related to public procurement.

The next training on this topic is scheduled for early June 2014.

Support Development of Needs-Based Budgets

During this quarter, JSP began negotiations with local consulting firm BASME for the delivery of five trainings on financial management, human resources management, projecting case workload, and calculating cost per case. The training will target president judges, heads of court departments, court administrators, and court finance staff of the four appellate regions. The trainings will build on the budget development model outlined in the Functional Analysis for Improvement of the Organizational Effectiveness of the Courts (Functional Analysis), which was funded by the World Bank and developed by BASME. The CBC has incorporated the Functional Analysis criteria and budget preparation methodologies as part of the guidelines it sends annually to all courts in Macedonia. The trainings are designed to help the courts develop accurate budget proposals in 2015 based on realistic projections for the volume of workload for the next three years. These trainings are scheduled for April-June 2014.

Support Finalization of Staffing Guidelines

US expert Ronald M. Stout has been selected by JSP to support the finalization of the Court Staffing Guidelines. Mr. Stout will research all available data relevant to staffing needs and assignments, including but not limited to the following: case filings, case distributions, total case inventory, number of managerial and administrative personnel, and number of security. He will help select members of a working group focused on finalizing the staffing guidelines for the Macedonia Judiciary, and he will work with the AO to develop and facilitate the workshop *Finalization of the Staffing Guidelines*. The AO will be in charge of suggesting members for this working group, which will include judges, court administrators, and JC members. The tentative dates for his consultancy are June 2-7.

Upgrade of Automated Budget Management System (ABMS)

As previously reported, the CBC requested an upgrade of the ABMS due to a number of changes in the laws and sub-regulations surrounding judicial budgeting, finance, and human resources. The project awarded a contract to the original vendor (the local IT company Ultra) in November 2013. Ultra and the

Administrative Office of the CBC worked on developing, testing and installing newly upgraded modules. The upgrade was completed on March 31.

Support the BC Skopje 1, BC Skopje 2 and the Academy in the Development of Strategic Plans for 2014-2016

During this quarter, JSP obtained the necessary USAID approvals and completed the planning phase for the provision of short-term technical assistance for the development of three-year strategic plans for the BC Skopje 1, BC Skopje 2, and the Academy. The strategic plans will include narrative, budget, fundraising plan, and communication plan sections among others. The final version of the 2014-2016 Strategic Plan for the Judiciary will be used as a template. Consultants will hold several workshops for management and key personnel from the BCs and the Academy to support the development of their three-year strategic plans.

Workshop for Process-Mapping of Courts House Rules

In accordance with the action plan of the Netherlands and Slovenia study tour to improve the capacities of court administrators and personnel, JSP supported a workshop for drafting unified Court House Rules that: define the terms of use of court facilities; preserve court order and cleanliness; and define the terms of internal communication among the employees, contacts with clients and security issues. The event, held on March 20-21 in Veles, was attended by two judges, nine court administrators, one court police representative, and one court public relations officer. The group used a variety of comparative materials collected from neighboring countries and the United States to aid in creating unified set of rules.

After completion, the rules were sent to all courts for review and adoption. According to the Court Book of Rules, the President Judge of each court is responsible for prescribing and adopting the Court House Rules. While no deadline has been set for approval, this activity, the JSP expects that the Court House Rules will be adopted by most of the courts during April and May.

Harmonization of Decisions of Appellate Regions

Part of JSP's ongoing assistance to the Judicial Training Academy includes providing logistical support to a leadership team initiative that meets to discuss court decisions. The group, made up of four appellate region civil judges and heads of departments, holds two to three sessions each year to discuss important decisions and find compromises where there are disagreements in the interpretation of legal provisions or ambiguities in laws, which may result in different decisions on the same legal issues. During 2013, two meetings for harmonization of the judicial practice in the civil area were held, one in April and another in December.

During the quarter, the Director of the Academy, Judge Arnaudovska, decided that the harmonization sessions should be held in the appellate regions and be attended by professors and other experts from relevant areas. Throughout March JSP worked with the Academy and the Appellate Court Skopje to plan the first 2014 harmonization meeting on May 16. Judge Lidija Dimcevska, head of the Civil Department of the Appellate Court Skopje, is assisting in defining potential discussion points and relevant experts.

Assist Courts in Improving Transparency and Communication with the Public and the Media

The JSP continued supporting publications that help increase transparency of the judiciary and communication with the public. In January, the JSP offered to help prepare and publish the courts' 2013 annual reports. After receiving the reports of all appellate courts, JSP found that the statistical data

presented in the reports was not consistent with the statistics provided by the JC. Once corrected reports are received from the appellate courts, the JSP will proceed with printing the annual report.

The JSP received the final version of the Judicial Practice Bulletin of the Appellate Court Skopje from the Appellate Court Skopje where the publication was originally drafted. The bulletin covers the period of 2012 -2013. JSP will print 700 copies.

2.3 RESULT 3: INCREASED FAIRNESS AND EFFICIENCY OF THE ADMINISTRATION OF JUSTICE THROUGH MORE EFFECTIVE LEGAL PERSONNEL AND EFFICIENT PROCESSES

2.3.1 Requirement 3.1: Develop and Implement Targeted Specialized Trainings for Judges, Court Administrative Executives, and Court Staff

Continue Training Opportunities for Judges with the Academy

On January 23, the JSP team and the USAID ROL Project Management Specialist met with the Director of the Academy to discuss areas for future cooperation. More specifically, the Director of the Academy asked JSP to help in the implementation of the following activities:

- Holding trainings targeting commercial law, bankruptcy law, and intellectual property law
- Harmonization of judicial practice in the civil area
- Specialized training for lay judges
- Measuring the effectiveness of judicial training
- Development of the Academy's Strategic Plan

To assist with measuring the effectiveness of judicial trainings, JSP gave the Academy a translated version of the INPROL⁷ manual, *Measuring Impact of Judicial Training*. Given the time schedule and available resources, JSP informed the Academy that the following trainings/projects could be jointly implemented during 2014:

- Harmonizing judicial practice in the civil area
- Three commercial law trainings
- Training for judges to raise awareness about people with disabilities
- Developing a post-training evaluation methodology to measure the effectiveness of trainings
- Aiding in the development of a Strategic Plan for the Academy, based on the Strategic Plan for the Judiciary (pending completion)
- Training on domestic violence for selected civil judges
- Leadership training for selected judges

After it was discovered that the courts have different ways of interpreting the spirit and key provisions of the LCP over the past three years, JSP also agreed to help the Academy organize three trainings on the Implementation of the LCP for civil judges, per appellate region. These trainings are scheduled from June-October 2014.

Following the Macedonian government's recent standardization of all entrance exams (BAR exam, civil servants exam, enforcement agent's exam, etc.) into any of the legal professions, the Academy's entrance

⁷ International Network to Promote the Rule of Law.

exam will need to adhere to the new guidelines. This will require completely restructuring how the Academy exam will be administered, which will put an additional burden on the committees that prepare and conduct the exams. During the quarter, the Academy requested JSP to assist in the development of a methodology for preparing the Academy's entrance exam. JSP was asked to consider finding expert, preferably from the National Conference of BAR examiners (since the US model is considered to be the most similar to the new examination process). The expert would then assist the Academy's committees in creating exam questions, covering both civil and criminal areas. The JSP was informed that this support will be in part covered by INL⁸, the extent of which will be discussed at the next meeting with INL.

Continue Program-funded Study Tours

Study tour to the U.S.A. for Members of the Working Group for DCM. Based on the recommendations made by U.S. consultant Marcus Zimmer in the report "Case Management Practices in the Macedonian Courts – A Proposal for Designing and Implementing Differentiated Case Management (DCM) and National Time Standards (NTS)", JSP is currently preparing a third study tour to the US (June 7-15) specifically for judges who are a part of the working group responsible for implementing the DCM and NTS. Eight judges, including the President of the Judicial Council of the Republic of Macedonia, will receive information directly from the US courts on how they successfully implemented the DCM and NTS for case processing, and apply this knowledge to the Macedonian Judiciary. The RFP for the study tour was published on March 28 and the deadline for submitting proposals is April 21.

2.3.2 Requirement 3.2: Improve Caseload Processing and Reduce Backlog of Cases

Analyze Performance and Support Solutions for Improved Case Processing and Addressing Other Problems in the AC

During the reporting period, JSP started negotiations with local consultant firm BASME to conduct a short and focused analysis of the operations and performance of the AC and prepare recommendations on how to improve efficiency in this court. The AC was created by the Law on Courts in 2006 with the intention of increasing the efficiency of resolving administrative cases while simultaneously decreasing the administrative case backlog. The AC became fully operational in December 2007. Case backlogs, however, have only continued to increase. Per request of the CBC, the analysis will use the same tools and methodologies used in the Functional Analysis for Improvement of the Organizational Effectiveness of the Courts developed by BASME in 2011. The analysis, which is expected to be completed by June 30, 2014, will be designed to identify bottlenecks in the system and recommend solutions for improving the AC's overall performance.

Support for Judicial Sector Automation

Electronic Recording of Court Hearings and Trials. The JSP has embedded an Electronic Court Recording (ECR) consultant at BC Skopje II to promote and improve the use of ECR in the Macedonian courts. BC Skopje II is the country's largest civil court with the largest caseload and the highest number of courtrooms with ECR equipment (28).

The consultant developed a simplified user manual for the ECR system—500 copies were printed out and distributed to typists in all of the courts; installed Open Office software to enable exchange of data between the Automated Court Case Management Information System (ACCMIS) and Femida in 80 courtrooms, and conducted refresher trainings on the use of the ECR equipment for 429 people,

⁸ Bureau of International Narcotics and Law Enforcement Affairs.

including civil judges, court typists, and other court personnel in 29 courts. The trainings began on January 20 in the Gostivar Appellate area and continued through March. A table outlining detailed information about the trainings is presented below:

No.	Court	Dates	Participants			
			Judges	Typists	Other Court Staff	Total
1.	Basic Court Tetovo	January 20, 22	4	4	2	10
2.	Appellate Court Gostivar	January 23	-	5	4	9
3.	Basic Court Gostivar	January 24	1	3	1	5
4.	Basic Court Gevgelija	January 27	5	7	6	18
5.	Basic Court Gostivar	January 28	-	1	6	7
6.	Basic Court Kicevo	January 30	-	-	-	-
7.	Basic Court Debar	January 31	-	-	-	-
8.	Basic Court Ohrid	February 5	2	2	12	16
9.	Basic Court Resen	February 6	1	4	-	5
10.	Appellate Court Bitola	February 7	2	-	8	10
11.	Basic Court Bitola	February 10, 11	4	2	38	44
12.	Basic Court Prilep	February 12, 13	5	20	/	25
13.	Basic Court Shtip	February 14	-	-	9	9
14.	Appellate Court Shtip	February 17	11	6	10	27
15.	Basic Court Strumica	February 18	3	6	2	11
16.	Basic Court Kochani	February 19	4	5	-	9
17.	Basic Court Radovich	February 20	3	7	-	10
18.	Basic Court Berovo	February 21	2	2	-	4
19.	Basic Court Delchevo	February 24	1	4	-	5
20.	Basic Court Vinica	February 25	3	5	4	12
21.	Basic Court Sveti Nikole	February 26	4	4	3	11
22.	Basic Courts Kavadarci and Negotino	February 27, 28	10	20	1	31
23.	Basic Court Struga	March 3	2	6	1	9
24.	Basic Court Ohrid	March 4	3	10	-	13
25.	Basic Court Kicevo	March 5	1	9	2	12
26.	Basic Court Kratovo	March 6	-	-	-	-
27.	Basic Court Kriva Palanka	March 7	2	5	1	8
28.	Basic Court Veles	March 10, 20, 21	9	19	7	35
29.	Appellate Court Skopje	March 13, 18	34	20	20	74
TOTAL						429

Training of Trainers for IT Administrators Developing the Court System Intranet. On January 28-29, JSP completed a training of trainers for seven court IT administrators in the Bitola appellate region on the development of intranets. The workshop was aimed at building the IT administrators' capacities to train personal in the development and roll out of intranets in all courts of the appellate region as well as creating a uniform intranet matrix. The deployment of intranets will provide an easy, secure, and efficient mechanism for judges and court personnel to exchange information, which is expected to enhance courts' efficiency and transparency.

ACCMIS Upgrade for the Skopje I Criminal Court. At the request of the President of Skopje I BC Judge Vladimir Pancevski, JSP will help undertake a needed upgrade of the ACCMIS to include data on

the warrants issued by this court. The sole source procurement process with the vendor that designed the ACCMIS will begin in early April 2014.

Study Visit to the Supreme Court of Slovenia. JSP organized a study visit for representatives of the Macedonia judiciary to the Supreme Court of Slovenia on March 23-25 to support the creation of functional, user-friendly, and unified court websites, with working search engines. The goal of the visit was to familiarize the participants with the host country's systems for publishing court decisions and creating a database of courts' jurisprudence. The delegation from Macedonia included six participants: a SC Justice, the head of the SC's IT Center, a SC judge's advisor, BC Prilep IT administrator, and two JSP staff.

The participants—hosted by a Supreme Court Justice, an Appellate Court judge, and the head of the public relations office at the Supreme Court of Slovenia—were shown effective mechanisms for harmonizing the judicial practice at both the Supreme Court and appellate court level, outcomes of all decisions of the SC, appellate courts and the specialized courts, a comprehensive database for the issues raised before the European Court for Human Rights, a database for the principal legal opinions of the SC, as well as a database for all the judicial practice bulletins and other professional literature published.

In coordination with USAID, the project will assess the implementation of a similar study visit to the Supreme Court of Serbia and High Commercial Court in Belgrade in April 2014.

Coordination Meetings

Meeting with the EU Justice Sector Support Program. On January 10, JSP met with an EU project team from the Justice Sector Support Program to learn more about their project and share knowledge on justice reform areas under which JSP operates. JSP learned that a new EU Justice Reform Project will be launched in April 2016 under the EU Instrument for Pre – Accession Assistance (IPA). The EU project team recently finished drafting the terms of reference for the new project and is now focusing on the programming phase.

Meeting with the Supreme Court Justice and Court Administrator. On February 27, the JSP COP and Court Administration Coordinator met with SC Justice Ms. Lidija Nedelkova and Court Administrator Ms. Sonja Gruevska. The meeting participants discussed the following potential areas of cooperation for the year: re-design of the software for searching court decisions posted on the courts' websites, a study visit to the ICT centers in Slovenia and Serbia for two SC judges and one IT administrator, purchasing a backup server for the ACCMIS in the SC, technical support for the printing of the SC Annual Report and Judicial Practice Bulletin, as well as other various topics.

Meeting with the SC Administrator and Head of IT Center. At a meeting held at the SC on March 19, the JSP team, including IT expert Rozalija Vasilevska-Karcicka, met with Court Administrator Sonja Gruevska and IT Administrator Vesna Bojadzievska. The parties discussed JSP's potential support to the SC for installing a new software and hardware system for archiving old cases in the ACCMIS, and software for archiving the nine different registers where non judicial work of the SC is entered. JSP will explore possibly supporting these areas in the coming period.

Meeting with USAID Investment Development and Export Advancement Support Project (IDEAS). On February 28, the JSP COP and Court Administration Coordinator met with the IDEAS Senior Advisor to discuss a joint roundtable between the Academy, business chambers, and lawyers to

identify the realistic demand of the business sector and to develop training topics for judges within the framework of the Academy's curriculum. The roundtable is scheduled for mid-May.

2.4 RESULT 4: CRISIS-MODIFIER AND MATERIAL SUPPORT

Procurement of a Laptop Computer for the CSC

The project procured one laptop for the CSC court assistant Maja Babamovska to improve the Council's quality of work and enable it to better organize effective sessions, trainings, and workshops.

Procurement of Monitors for Enhanced Use of ECR in the Macedonian Courts

Sixty-two new monitors and 62 splitters were purchased to enhance the use of ECR in the Macedonian courts⁹. This will allow judges to monitor and read hearing minutes as these are typed and correct any inaccuracies while protocols and minutes are being prepared.

Procurement of Computers for the BC Kicevo

The JSP procured eight desktop computers for the BC Kicevo after discovering the poor condition of the PCs in use during a visit to the court on January 30. Effective use of several software applications, such as the ACCMIS, the Femida system for ECR, the court statistic software, the email system, and the public court's decisions system, is critical for ensuring uninterrupted judicial functioning.

Refurbishment of a Courtroom at the Faculty of Law in Shtip

The JSP is in the planning stages for the refurbishment of a room at the Goce Delcev University Faculty of Law in Shtip. The room will be converted into a courtroom for mock trials and moot court, and is a joint project between JSP and INL. JSP will oversee the refurbishment while INL will procure the necessary technical equipment. On March 26, The JSP COP and Project Attorney assessed the suitability of the space proposed by the Law Faculty to be converted into a courtroom. Based on the assessment, the project agreed to provide an architect in April to develop the technical specifications of the RFP to be published for the refurbishment of the proposed room.

Procurement of a Printer for ELSA

The project procured a printer for the ELSA to support the organization's daily operations such as printing membership application forms, evaluation documents, agendas, and other materials to be used in different ELSA events.

Procurement of a Printer for the BC Skopje 2, Skopje

At the request of the president of the BC Skopje 2 Skopje, JSP procured a monochrome full duplex network scanner/printer/photocopier needed for the successful functioning of the court.

⁹ The monitors and splitters were distributed among the following courts: BC Kavadarci, BC Krusevo, BC Debar, Appellate Court Skopje, BC Kumanovo, BC Tetovo, Appellate Court Stip, BC Kicevo, BC Berovo, BC Shtip, Appellate Court Gostivar, BC Resen, BC Kocani, BC Stumica, BC Bitola, BC Vinica, BC Veles, BC Radovish, BC Negotino, BC Gostivar, BC Kratovo, BC Skopje II, Appellate Court Bitola, BC Kriva Palanka, BC Prilep, BC Sveti Nikola, BC Gevgelija, BC Delcevo, BC Ohrid, and BC Struga

III. DISABILITY INCLUSIVE DEVELOPMENT

USAID has taken steps to raise awareness of the needs for people with disabilities and special needs in USAID-funded projects. In Macedonia, this segment of the population faces many challenges including lack of awareness and little accessible infrastructure. The project has been pro-active in advancing these objectives that include reaching out to people with disabilities as presenters at events and providing specialized accommodations as needed. In addition, JSP reached out to schools with special needs students and has included them in many of the events noted earlier in this report. JSP also conducted a survey to determine which hotels are accessible to the disabled and therefore eligible to be used for JSP events.

During this quarter the project promoted the inclusion of Marija Stojanova, a recent law graduate with special needs, as an intern of the BC Skopje 2. Ms. Stojanova started her internship on March 20, 2014.

IV. EVENTS AND ACTIVITIES

The project is aware of how important it is to accurately report and document events. This quarterly report includes a matrix summarizing each event, training, forum, seminar, roundtable, etc., along with pertinent descriptive information.

Year III: January – March 2014

No.	Event	Date	Counterpart	Number of Participants	Gender		Result Requirement	Evaluation of Training Events (1 – 5)
					M	F		
1.	CSC workshop on “Successful Transitioning, Transfer of Institutional Memory and Building Plan for Future Activities”	January 16-17, 2014	CSC	12	8	4	2.2	N/A
2.	ELSA Brochure Promotion – Orphanage II Oktomvri Skopje	January 27, 2014	ELSA				1.2	N/A ¹⁰
3.	Second Strategic Planning workshop	February 6, 2014	JC, CIRa	8	2	6	2.2	N/A
4.	Workshop for drafting changes to the LCS	February 11-12, 2014	CAA	21	13	8	1.2	N/A
5.	MYLA Training for ELSA members on Strategic Litigation	February 14	MYLA, ELSA	31	8	23	1.2	Post training evaluation to be carried out and reported during next quarter
6.	JBF (fifth meeting) Strumica	February 20-21, 2014	SC, CBC, JC, AC, High AC, appellate courts, Academy for	10	5	5	2.1	N/A

¹⁰ Data on the protégés of the orphanage is not available.

			Judges and Public Prosecutors (Academy), MJA, CAA and CSC					
7.	ELSA Brochure promotion KPD Veles	February 25	ELSA	62	40	22	1.2	N/A
8.	ROL Coalition meeting workshop	February 28	MYLA, ELSA	3	0	3	1.2	N/A
9.	Third Strategic planning workshop at JC	March 3, 2014	JC, CIRa	15	7	8	2.2	N/A
10.	ROL Coalition – Kaizen workshop	March 7, 2014	MYLA, ELSA, CAA	11	2	9	1.2	N/A
11.	ROL Coalition – Kaizen workshop	March 12–13, 2014	MYLA, ELSA, CAA	12	2	10	1.2	N/A
12.	Workshop on developing Courts' House Rules	March 20–21, 2014	Participants in the second study tour, Judges, court administrators and court police representatives	13	8	5	2.2	N/A
13.	Study Tour to Slovenia	March 23–25, 2014	SC, Basic Court Prilep	4	2	2	2.2 & 3.2	N/A
Total				202	97	105		

V. ADMINISTRATIVE AND PERSONNEL MATTERS

5.1 Performance Evaluation of the Project

Under Section E in the JSP contract, external performance evaluation is part of the project. During the quarter, the small business company Social Impact was contracted by USAID to conduct an external evaluation of the project. The team, led by Dr. Green, Ms. Zelin, and Mr. Vasev, conducted a series of interviews, site visits to the courts, and a document review to obtain a comprehensive gauge of the project's performance from March 3-14, 2014.

The final report outlining their evaluation is expected to be submitted to USAID in the first week of April 2014. Based on the content of the report, USAID may exercise the optional fourth year of the project which would span from November, 23 2014 until November 22, 2015.

5.2 Hiring of Staff

During March, JSP completed the administrative process for hiring a new court administration assistant, Ms. Ana Velkovska. She completed her first orientation meeting on March 31 and officially began her full-time assignment with JSP on April 1, 2014.